

IN THE FOURTH JUDICIAL DISTRICT COURT IN AND FOR THE

COUNTY OF UTAH, STATE OF UTAH.

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PROVO RESERVOIR COMPANY,

Plaintiff,

-vs-

PROVO CITY, et al.,

Defendants.

No. 2888

ANSWER IN RE JOHN BUTTRY'S

WATER RIGHTS.

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Comes now Barbara E. Buttry and represents to this Court that she is the widow of John Buttry and entitled to any interest he may have owned in and to the water rights of Provo River particularly those decreed to him under and by virtue of the decree in a case in the Fourth Judicial District Court in and for Wasatch County, State of Utah, in the case of Wasatch Irrigation Company et al, vs., Edward Fulton, et al, defendants.

That the said John M. Buttry died at Salt Lake City, Salt Lake County, State of Utah, on the 25th day of February, A. D. 1917.

That the said Barbara E. Buttry as his widow is entitled to the property as a homestead and is entitled to water rights appertenant thereto.

That the said water rights consist of the water decreed to said John Buttry under the decree in said case of Wasatch Irrigation Company et al, -vs- Edward Fulton, et al, and are a 1/5 of one cubic foot of water per second as shown by Paragraph 22 of the findings in said case, and as decreed in Paragraph 1 of the decree in said case, said waters having been acquired and used prior to the year 1885, also 8/35ths of one cubic foot of water per second designated in said decree and findings as 4th class as shown by Paragraph 27 of the Findings of Fact and Conclusions of Law, and as shown in said decree in Paragraph 4 of said decree and therein designated as Class 4. Also 11/70ths of one cubic foot of water per second as shown by Paragraph 32 of said Findings of Fact and as shown by Paragraph 10 of said decree, said right of way being designated as 10th class in the distribution of said water.

The defendant is entitled to a share and interest in the flow of the flood waters in said River as awarded in said decree; that said waters have been used continuously since the awarding of said decree, by John Buttry until the time of his death and since then by Barbara E. Buttry; that said water rights have been used continuously and uninterruptedly during all of said time;

That under the present suit and decree said defendant is entitled to all of the above waters as a 1st class water right

WHEREFORE, defendant prays that said waters above enumerated and said flood waters be awarded to said defendant as a first water right and prior water right to the waters of said Provo River ~~the~~ to be diverted and used at the point from which they have been continuously used under said previous decree and for such other and further relief as to the Court may seem meet and proper.



Jay H. Stockman  
Attorneys for

SS.

BARBARA E. BUTTRY, being first duly sworn deposes and says that she is one of the defendants in the above entitled case, that she has read the foregoing answer, knows the contents thereof and that the same is true of her own knowledge, except as to the matters therein alleged on information and belief and as to such matters she believes it to be true.

Barbara E. Buttry  
Subscribed and sworn to before me this 17 day of July A.D. 1918.  
Jay H. Stockman  
Notary Public.

Received copy of the foregoing Answer this 1<sup>st</sup> day of Aug A. D. 1918.

Jacob Evans  
Attorneys for Plaintiff.